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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,865

09/26/2005

Mitsuharu Akiyama

14434.0082USWO

3391

52835

7590

06/10/2009

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.

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MINNEAPOLIS, MN 55402-0902

EXAMINER

GRAY, JILL M

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

06/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,865	Applicant(s) AKIYAMA ET AL.	
	Examiner Jill Gray	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/12/2009; 4/16/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Pursuant to the entry of the amendment of March 11, 2009, claims 1-9 have been amended. Claims 10-11 are cancelled. New claim 12 has been added. Currently, claims 1-9 and 12 are pending.
2. The rejection of claims 1 and 7 under 35 U.S.C. 102(b) as being anticipated by Honda, deceased et al., 4,677,818 is moot in view of applicants' amendments.
3. The rejection of claims 2-6 and 8-11 under 35 U.S.C. 103(a) as being unpatentable over Honda, deceased et al., 4,677,818 is moot in view of applicants' amendments.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 and 12 are rejected under 35 U.S.C. 102(a) and (b) as being anticipated by PCT Publication WO 03/080907 (Akiyama) wherein US 2004/0226641A will be relied upon as a translation of the PCT publication and all references/citations will be drawn thereto.

Akiyama discloses a hybrid cord used in the formation of rubber belts, said cord comprising a high-modulus fiber strand at the center as a core and lower-modulus fiber strands disposed around the higher-modulus fiber strands. Carbon fiber can be used as

Art Unit: 1794

the core fibers and glass fibers as the surrounding fibers. See entire document and for example, [0021]-[0023] and examples. The higher-modulus core fiber strands can be coated with a coating layer containing rubber, as required by claim 1. See [0027].

Regarding claim 2, the high modulus fiber can have a cross-section of 40% or less of the total cross-section of the cord. See [0025].

Regarding claims 3 and 5, Akiyama discloses twisting within the claimed range. See claims 10-11 of Akiyama.

Regarding claim 4, the lower modulus fiber can be treated with a treating solution of the type contemplated by applicants. See [0032].

Regarding claims 6-8, Akiyama discloses that the core fibers and glass fibers are twisted in the same direction, and that the high-modulus fiber can be finally twisted in a direction opposite the lower-modulus fibers, and further teaches a final twist of from 1.0 to 10 times/25mm. See [0037] and Examples.

Regarding claim 9, Akiyama discloses that said cord has a surface covered with rubber. See [0040] and [0043].

Regarding claim 12, Akiyama discloses that the coating layer can have a rubber latex and a mixture of resorcinol and formalin. See [0027].

Therefore, the teachings of Akiyama anticipate the invention as claimed in present claims 1-9 and 12.

Response to Arguments

6. Applicant's arguments with respect to claims 1-9 and 12 have been considered but are moot in view of the new ground(s) of rejection.

No claims are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Gray whose telephone number is 571-272-1524.

The examiner can normally be reached on M-Th and alternate Fridays 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jill Gray/
Primary Examiner
Art Unit 1794

jmg